
REGULAR MEETING OF THE CITY COUNCIL

SEPTEMBER 15, 2009

CITY COUNCIL CHAMBERS

PRESENT: PAUL R LEPAGE, MAYOR
MIKE ROY, CITY MANAGER

COUNCILORS: CHARLES F. STUBBERT, JR., MARY-ANNE BEAL,
ROSEMARY WINSLOW, DANA SENNETT, CHAIR, JOHN
O'DONNELL, THOMAS LONGSTAFF AND CARL S
BASGALL

COUNCIL WORKSHOP - ZONING ORDINANCE REVIEW

6:00 P.M.

REGULAR MEETING

7:00 P.M.

PROCLAMATION

MAINE HEALTH PARTNERSHIP DAY

APPROVAL OF CONSENT AGENDA

REGULAR MEETING CONSENT AGENDA SEPTEMBER 15, 2009

MINUTES

PUBLIC HEARING
QUALIFIED ZONE ACADEMY BOND FUNDS

APPROVAL OF SEPTEMBER 1, 2009

RESOLUTION NO 110----ROLL OF ACCOUNTS NO 18

Sennett Moved to Adopt
Winslow Seconded the Motion
Vote: All in Favor (7-0)

UNFINISHED BUSINESS

NONE

NEW BUSINESS

RESOLUTION 111-AUTHORIZING THE ISSUANCE OF A VICTUALER
LICENSE TO JULIETTE TURMELLE D/B/A "JULIETTE'S
BAKERY & DELI"

BE IT RESOLVED by the City Council of the City
of Waterville as follows:

THAT, the City Council hereby authorize the
issuance of a Victualer License to Juliette
Turmelle d/b/a "Juliette's Bakery & Deli" at 40
Ticonic St.

Resolution Read in Full
Sennett Moved to Adopt
Winslow Seconded the Motion
Vote: All in Favor (7-0)

RESOLUTION 112-AUTHORIZING THE ISSUANCE OF A VICTUALER
LICENSE TO ARTHUR LADD D/B/A "MORNING GLORY
CAFÉ"

BE IT RESOLVED by the City Council of the City of
Waterville as follows:

THAT, the City Council hereby authorize the
issuance of a Victualer License to Arthur Ladd d/b/a
"Morning Glory Cafe" at 7 Highwood St.

Resolution Read in Full
Sennett Moved to Adopt
Winslow Seconded the Motion
Vote: All in Favor (7-0)

RESOLUTION 113-A RESOLUTION PROVIDING FOR IN OPPOSITION TO
THE INITIATED BILL LD 974 "AN ACT TO DECREASE
THE AUTOMOBILE EXCISE TAX AND PROMOTE ENERGY
EFFICIENCY"

WHEREAS, the initiated bill LD 974, *An Act to Decrease the Automobile Excise Tax and Promote Energy Efficiency*, would cut over \$80 million of revenue each year to Maine's towns and cities that is used to plow, treat, construct, repair and maintain over 13,000 miles of local roads and over 800 local bridges; and

Whereas, LD 974 would cut approximately \$512,000 in revenue that Waterville receives every year to repair and maintain approximately sixty-five miles of local roads; and

Whereas, the adoption of the excise tax initiative would likely lead to a significantly deteriorated transportation system, elimination of other City services/programs, or in the alternative, increases to the municipality's property tax rate; and

Whereas, the excise tax initiative provides substantial benefits to the owners of newer and specialized motor vehicles while providing no tax benefits to the owners of motor vehicles that are older than five years of age, which represent the majority of registered motor vehicles; and

Whereas, the excise tax initiative is falsely presented as a "green" initiative while at the same time seriously impairing the capacity of the towns and cities in Maine to construct and maintain road systems that appropriately protect Maine's water quality;

NOW, THEREFORE, BE IT RESOLVED that the Waterville City Council hereby encourages Waterville voters to oppose the initiated bill LD 974, *An Act to Decrease the Automobile Excise Tax and Promote Energy Efficiency*; and further agrees to provide information to the voters of Waterville regarding the potential negative impacts of this initiated legislation.

Resolution Read in Full
Sennett Moved to Adopt
Winslow Seconded the Motion
Vote: All in Favor (7-0)

RESOLUTION 114-A RESOLUTION PROVIDING FOR BID AWARDS -
MISCELLANEOUS PAVING PROJECTS

BE IT RESOLVED by the City Council of the
City of Waterville as follows:

THAT the City hereby accept the low bid of
fifty-two thousand, six hundred and fifty dollars
and eighty-four cents (\$52,650.84) from Pavement
Plus, Inc. of Smithfield, Maine for the pavement
overlay of Pine Ridge Golf Course Parking Lot &
Access Drive, North Street Tennis Courts and
Public Works Fleet Maintenance Building.

FURTHER that the City hereby accept the
low bid of eleven thousand, three hundred
and fifty dollars and no cents (\$11,350.00)
from Pike Industries of Fairfield, Maine for
the pavement overlay of Silver Street
Extension.

Resolution Read in Full
Sennett Moved to Adopt
Winslow Seconded the Motion
Vote: All in Favor (7-0)

RESOLUTION 115--- A RESOLUTION PROVIDING FOR BID AWARD - LIBRARY
EXPANSION/RENOVATION PROJECT

BE IT RESOLVED by the City Council of
the City of Waterville, acting as the
municipal officers, as follows:

THAT the City hereby accepts the low
bid of \$1,294,776 from Blane Casey
Contractor, of South China, Maine, for the
library expansion/ renovation project and
that a contingency amount of \$130,000 be
also approved with the understanding that
said amount be available for Change Orders
or related project expenses as approved by
the City Manager in consultation with the
Library Building Committee.

Proposed funding for this project to be
from the Library Capital Campaign funds and
from a future \$1.5 million General

Obligation bond previously authorized by the
Council (Res. 78-2008).

Resolution Read in Full
Sennett Moved to Adopt
Winslow Seconded the Motion
Vote: All in Favor (7-0)

ORDER NO. 42-AN ORDER PROVIDING FOR ISSUANCE OF A
\$4,333,368 QUALIFIED ZONE ACADEMY BOND FOR
WATERVILLE SENIOR HIGH SCHOOL

BE IT HEREBY ORDERED BY City Council of
the City of Waterville acting as the
municipal officers, as follows:

1. That under and pursuant to the provisions of section 1397E of the Internal Revenue Code of 1986, as amended (the "Code"), section 5772 of Title 30-A of the Maine Revised Statutes, and Article IV, section 7 of the Charter of the City of Waterville, Maine (the "City"), the City Manager and the Director of Finance be authorized to issue general obligation securities in the name and on behalf of the City in an aggregate principal amount not to exceed Four Million Three Hundred Thirty-Three Thousand Three Hundred Sixty-Eight Dollars (\$4,333,368) (the "Bonds") to finance the costs of rehabilitating and repairing the Waterville Senior High School (the "Project"), and that the Bonds be designated as a qualified zone academy bond;
2. That to the extent not inconsistent with this order, the Director of Finance is authorized to select such date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, form(s) and other details of the Bonds, as the Director of Finance determines to be in the interest of the City;
3. That the Bonds may be made callable, with or without premium, prior to their maturity, in the discretion of the Director of Finance;
4. That the Bonds shall be executed in the name of the City by the City Manager and the Director of Finance under the official seal of the City and attested by the City Clerk, and that any signature thereon may be by facsimile to the extent permitted by law;
5. That the Director of Finance is authorized to provide for the sale of the Bonds at such times and in such manner as the Director of Finance determines to be in

- the interest of the City, including without limitation engagement of McLiney & Co. as placement agent, and to select a purchaser or purchasers of the Bonds and to execute and deliver such contracts or agreements as may be necessary in connection therewith;
6. That the Bonds, together with any investment earnings thereon, are appropriated to be used for the Project and for related costs of issuance, credit enhancement and accrued interest, if any;
 7. That the Director of Finance is authorized to covenant on behalf of the City that no part of the proceeds of the Bonds shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Bonds to be "arbitrage Bonds" within the meaning of Section 148 of the Code;
 8. That the Director of Finance is authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of Bonds, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, to the extent applicable, are met;
 9. That the Director of Finance is authorized to execute and deliver in connection with the payment of the Bonds a forward delivery or other agreement providing for a sinking fund for the investment and custody of the City's payments on the Bonds until maturity thereof, on such terms not inconsistent with this Order as the Director of Finance may approve, if the Director of Finance deems such agreement to be in the interests of the City;
 10. That the Director of Finance is authorized to execute and deliver such tax certificates, arbitrage and use of proceeds certificates and other documents and certificates as may, in the Director's opinion, be necessary or convenient to effect the transactions hereinbefore authorized, to be in such form not inconsistent with this Order as the Director of Finance may approve;
 11. That the Director of Finance and other proper officials of the City are authorized and empowered in its name and on its behalf to do or cause to do all such other acts and things as may be necessary or desirable in order to effect the issuance, sale and

delivery of the Bonds in accordance herewith and any such prior action by them is hereby ratified and confirmed;

12. That the appropriate officials of the City, acting singly, be authorized to execute and deliver on behalf of the City such other documents and certificates as may be required in connection with the Bonds and that the City Manager and the Director of Finance, acting singly, be authorized to take all other lawful actions necessary to comply with the requirements for a qualified zone academy bond within the meaning and for all purposes of Section 1397E of the Code;
13. That if the City Manager, Director of Finance, Mayor, Clerk or any other City officer or official is for any reason unavailable to, as applicable, approve, execute or attest the Bonds or any related financing documents, the person or persons acting in any such capacity, whether as an assistant, a deputy or otherwise, is authorized to act for such official with the same force and effect as if such official had herself/himself performed such act;
14. That if any of the officers or officials of the City who have signed or sealed the Bonds shall cease to be such officers or officials before the Bonds so signed and sealed shall have been actually authenticated or delivered by the City, such Bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds had not ceased to be such officer or official; and also any such Bonds may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds, shall be the proper officers and officials of the City, although at the nominal date of such Bonds any such person shall not have been such officer or official; and
15. That the Clerk of the City be directed to file an attested copy of this order with the minutes of this meeting.

Sennett Moved to Read by Title Only
Winslow Seconded the Motion
Vote: All in Favor (7-0)
Order Read by Title Only

Sennett Moved to Accept
Winslow Seconded the Motion
Vote: All in Favor (7-0)

ORDER NO. 43-AN ORDER PROVIDING FOR AUTHORIZATION FOR
MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2009
FOR ELECTION OF CITY COUNCILORS, BOARD OF
EDUCATION MEMBERS, WARDENS AND WARD CLERKS IN
WARD 1 AND WARD 7

BE IT ORDERED by City Council of the City of Waterville acting as the municipal officers as follows:

THAT, pursuant to Article X, Section 5 of the Charter for the City of Waterville, the City Council hereby authorizes the Municipal Election to be held on November 3, 2009, for City Councilors, Board of Education Members, Wardens and Ward Clerks in Ward 1, and Ward 7, and;

BE IT FURTHER ORDERED THAT a Warrant is issued fixing the polls to open at 8:00 A.M. and close at 8:00 P.M. and listing positions to be filled as set forth above.

BE IT FURTHER ORDERED THAT the City Clerk shall give all necessary notices for the holding of such election.

Order Read in Full
Sennett Moved to Accept
Winslow Seconded the Motion
Vote: All in Favor (7-0)

ORDINANCE 07-AN ORDINANCE PROVIDING FOR AMENDMENT TO
ZONING, ARTICLE 2, SECTION 2.1.1, THE OFFICIAL
ZONING MAP AND THE WRITTEN DESCRIPTION OF THE
ZONING BOUNDARIES OF THE CITY OF WATERVILLE,
MAINE (WESTERN AVE)

BE IT ENACTED by the City Council of the City of Waterville, acting as the municipal officers as follows:

THAT the Zoning Ordinance, Article 2, Section 2.1.1., the official zoning map dated April 6, 1999, and the written description of zoning boundaries dated July 6, 1971, be and hereby are amended as shown on the attached.

The parcel to be rezoned, located at 68 Western Avenue, is owned by Laurie Cothran and

found on the Property Map of the City of Waterville dated April 1, 1992, as updated on April 1, 2009.

Ordinance Read in full
Sennett Moved to Accept
Winslow Seconded the Motion
Vote: All in Favor (7-0)

ORDINANCE 08-AN ORDINANCE PROVIDING FOR AMENDMENT TO ZONING, ARTICLE 2, SECTION 2.1.1, THE OFFICIAL ZONING MAP AND THE WRITTEN DESCRIPTION OF THE ZONING BOUNDARIES OF THE CITY OF WATERVILLE, MAINE (RIDGE RD)

BE IT ENACTED by the City Council of the City of Waterville, acting as the municipal officers as follows:

THAT the Zoning Ordinance, Article 2, Section 2.1.1., the official zoning map dated April 6, 1999, and the written description of zoning boundaries dated July 6, 1971, be and hereby are amended as shown on the attached.

The parcel to be rezoned, located at 66 Ridge Road, is owned by Jon and Tammi Harding, and found on the Property Map of the City of Waterville dated April 1, 1992, as updated on April 1, 2009.

Ordinance Read in full
Sennett Moved to Accept
Winslow Seconded the Motion
Vote in Favor: Stubbert, Beal and Basgall
Vote to Oppose: Sennett and O'Donnell
Vote to Abstain: Winslow and Longstaff
Vote: (3-2-2)

ORDINANCE 09-AN ORDINANCE PROVIDING FOR AMENDMENT TO ZONING, ARTICLE 2, SECTION 2.1.1, THE OFFICIAL ZONING MAP AND THE WRITTEN DESCRIPTION OF THE ZONING BOUNDARIES OF THE CITY OF WATERVILLE, MAINE (COASTAL MED TECH)

BE IT ENACTED by the City Council of the City of Waterville, acting as the municipal officers as follows:

THAT the Zoning Ordinance, Article 2,

Section 2.1.1., the official zoning map dated April 6, 1999, and the written description of zoning boundaries dated July 6, 1971, be and hereby are amended as shown on the attached.

The parcel to be rezoned, located at 208 College Avenue, is owned by Coastal Med Tech Inc [YRAM LLC] and found on the Property Map of the City of Waterville dated April 1, 1992, as updated on April 1, 2009.

Ordinance Read in full
Sennett Moved to Accept
Winslow Seconded the Motion
Vote: All in Favor (7-0)

The Mayor announced the reappointment of Rudolph Landry as a member of the Board of Zoning Appeals. His term will expire in 2012. Vote: All in Favor (7-0)

WAIVE CLOTURE Sennett Moved to Approve an Application for Games of Chance for Cornville Groomers. Winslow Seconded the Motion. Vote: All in Favor: (7-0)

There being no further business the meeting was adjourned.

A True Copy Attest

City Clerk